

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Gary W. James et al.
TITLE : **CABINET SHELF SECURING MEMBERS**
APPLICATION NO. : 10/812,148
FILED : March 29, 2004
CONFIRMATION NO. : 2979
EXAMINER : ING, Matthew W.
ART UNIT : 3637
LAST OFFICE ACTION : May 6, 2010
ATTORNEY DOCKET NO. : METZ 200011US01
(Formerly METZ 2 00011)

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

☒ Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the last decision of the Examiner mailed **September 14, 2010**, finally rejecting claims 1, 5, 6 and 9.

☐ Applicant(s) hereby request(s) reinstatement of the previously filed appeal, mailed pursuant to 37 C.F.R. § 41.31 and appeal(s) from the last decision of the Examiner mailed .

The items checked below are appropriate:

1. **STATUS OF APPLICANT**

- ☐ This application is on behalf of a large entity.
- ☒ Applicant(s) claim(s) small entity status. See 37 C.F.R. §1.27. Therefore, the fee is reduced by half, and the resulting fee is listed below.

2. **EXTENSION OF TERM**

- ☒ Applicant(s) hereby petition(s) the Commissioner under 37 C.F.R. §1.136(a) for a one-month extension of time up to and including January 14, 2011 in which to file this Notice of Appeal. Payment for the filing of this Notice of Appeal and any appropriate extension of time fees are authorized to be charged to a Credit Card via EFS-Web. If the Credit Card is unable to be charged, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308. If there are any additional fees required by this communication, please charge same to Deposit Account No. 06-0308.

3. **FEES ASSOCIATED WITH FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 1.17(b) the fee for filing the Notice of Appeal is:

- | | |
|---|--------------------------------------|
| <input type="checkbox"/> Large entity: | \$540 |
| <input checked="" type="checkbox"/> Small entity: | \$270 |
| <input type="checkbox"/> Amount previously paid: | \$0 (if reinstating previous appeal) |
| Total Notice of Appeal fee: | \$270 |

4. TOTAL FEES DUE

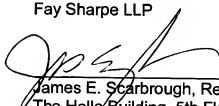
Total notice of appeal fee: \$270

Extension of time fee: \$ 65

TOTAL AMOUNT DUE: \$335**5. METHOD OF PAYMENT**☒ The fees indicated above are authorized to be charged to a credit card.

Respectfully submitted,

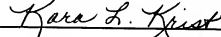
Fay Sharpe LLP

12/16/10
DateJames E. Scarbrough, Reg. No. 47,056
The Halle Building, 5th Floor
1228 Euclid Avenue
Cleveland, Ohio 44115-1843
216.363.9000**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being

☒ transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.☐ deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:

Signature: 

Date: December 16, 2010

Name: Kara L. Krist